

FINAL MINUTES
California State Board of Education
June 6-7, 2001

Wednesday, June 6, 2001

Department of Education Building
721 Capitol Mall, Room 166
Sacramento, California

Members Present

Reed Hastings, President
Susan Hammer, Vice President
Robert J. Abernethy
Donald C. Fisher
Nancy Ichinaga
Carlton J. Jenkins
Marion Joseph
Vicki Reynolds
Suzanne A. Tacheny

Members Absent

Jacqueline C. Boris
Vacancy

Principal Staff to the State Board of Education

Delaine Eastin, State Superintendent of Public Instruction
Leslie Fausset, Chief Deputy Superintendent, California Department of Education
Scott Hill, Chief Deputy Superintendent, California Department of Education
Paula Mishima, Chief Advisor to the Superintendent, California Department of Education
Linda A. Cabatic, General Counsel, California Department of Education
John B. Mockler, Executive Director, State Board of Education
Phil Garcia, Deputy Executive Director, State Board of Education
Greg Geeting, Assistant Executive Director, State Board of Education
Rae Belisle, Chief Counsel, State Board of Education
Deborah Franklin, Program Analyst, State Board of Education
Carrie Stone, Staff Services Analyst, State Board of Education
Hazel Bailey, Executive Assistant, State Board of Education
Robin Jackson, Executive Secretary, State Board of Education
Katherine Gales, Office Technician, State Board of Education

Call to Order

President Hastings called the meeting to order at 9:06 a.m.

Salute to the Flag

President Hastings invited Ms. Reynolds to lead the members, staff, and audience in the Pledge of Allegiance.

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Approval of Minutes (May 2001 Meeting)

- **ACTION:** Mr. Jenkins moved that the State Board approve the Minutes of the May 2001 meeting with minor corrections. Mr. Abernethy seconded the motion. The motion passed by unanimous vote of the members present, except that Ms. Hammer and Ms. Reynolds did not vote. In addition to the absent member, Mrs. Joseph was not present when the vote was taken.

Report of the Superintendent

Superintendent Eastin included the following topics in her report: (1) school visits; (2) the Distinguished Schools Awards Dinner, which was also attended by President Hastings and California's First Lady Sharon Davis; (3) an arts model program conference; (4) the Council for English Literacy; (5) the need for mandatory kindergarten legislation and full-day kindergarten; (6) programs at high schools that offer college credits for courses; (7) the Charter School Advisory Committee; (8) commencement speeches at various graduations; (8) meetings with editorial boards; (9) speaking at a gender equity conference; and (10) the need for class size reduction above third grade.

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| ITEM 1 | STATE BOARD PROJECTS. Including future meeting plans; agenda items; State Board office budget; staffing and direction to staff; declaratory and commendatory resolutions; update on litigation; bylaw review and revision; review of the status of State Board-approved charter schools as necessary; and other matters of interest. | INFORMATION ACTION |
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[Attachment 1, Status Report on Oakland Military Institute and Ridgecrest Charter School]

Introduction of Deputy Executive Director

President Hastings introduced Phil Garcia who joined the State Board staff in May as a Deputy Executive Director. Mr. Garcia was formerly the Director of Communications for Lt. Governor Bustamante. He has nineteen years of experience as a journalist covering California politics and state government, Congress, and the U.S. Justice Department. Mr. Garcia was Deputy Capitol Bureau Chief for the *Sacramento Bee* for three years. President Hastings added that it is a great accomplishment to bring Mr. Garcia on staff.

Mr. Garcia stated that he was honored to be appointed by Governor Davis and welcomed the opportunity to work with the Board to move forward the standards and accountability system.

Superintendent Eastin welcomed Mr. Garcia to the State Board staff. Ms. Reynolds stated that she is delighted to have Mr. Garcia on the staff. She asked the Board to consider a priority-setting retreat. President Hastings agreed that a retreat was a good idea and asked staff to follow up on Ms. Reynold's suggestion.

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July Meeting Highlights

President Hastings noted that two of the major issues for the July meeting are the 2002 STAR contract, including costs, and the template for the School Accountability Report Card.

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| ITEM 2 | PUBLIC COMMENT. Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations. | INFORMATION |
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Harriet Borson announced that this was her last meeting as the representative from the California State PTA and introduced Rosalyn Turnbull who will be the new representative. President Hastings welcomed Ms. Turnbull. Ms. Reynolds recognized Ms. Borson's many years of dedication to education and stated that the PTA owes her a great debt.

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| ITEM 3 | Assignment of numbers for charter school petitions. | ACTION |
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| ITEM 4 | Request to Fund the Recommended Public Charter Schools Grant Application. | ACTION |
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| ITEM 5 | Approval of Providers of Professional Development in Mathematics (AB 1331). | ACTION |
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| ITEM 6 | Amendment of California Safe Schools Assessment Program Regulations. | ACTION |
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| ITEM 7 | Gifted and Talented Education – Recommended Standards “draft”. | ACTION |
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President Hastings noted that Items 3 through 7 were proposed consent items. He asked if there was any public comment on any of these items. There were no speakers.

- ACTION: Ms. Hammer moved that the State Board approve the staff recommendations for Items 3, 4, 5, 6, and 7. Mr. Fisher seconded the motion. The motion was approved by unanimous vote of the members present.

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| ITEM 8 | Seminar Session on Academic Performance Index. | INFORMATION |
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President Hastings introduced speaker Dr. Edward Haertel, Professor of Education, Stanford University, noting that among his many honors, Dr. Haertel was elected to the National Academy of Education in 1997; has served as Vice President, President, and Past President of the National Council on Measurement in Education; and is a member of the Public Schools Accountability Act (PSAA) Advisory Committee and Chair of the Committee's Technical Design Group. President Hastings stated that Dr. Haertel will present a thorough overview of the

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Academic Performance Index (API). President Hastings encouraged the Board to ask questions during the presentation.

Superintendent Eastin publicly acknowledged the great debt owed to Dr. Haertel and Stanford University for the many hours and the astute advice he has given to developing the API and the accountability system.

Dr. Haertel gave a very thorough, interesting, and informative presentation on the API and its role in the statewide accountability system. His presentation generated numerous questions as well as thoughtful discussion. [Attachment 2]

There was a round of applause from the audience following Dr. Haertel's presentation.

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| ITEM 9 | The District Academic Performance Index (API). | INFORMATION |
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Bill Padia, Policy and Evaluation Division, presented a draft proposal for a district-level API and discussed two methodologies for calculating a district-level API. [Attachment 3] The Department is recommending that the district-level API be calculated based on student-level data rather than school-level data. The proposed district-level API report would include subgroup data. Mr. Padia asked for comments from the Board.

Ms. Tacheny complimented Mr. Padia and his staff for his excellent presentation of the data. She noted that she is meeting with representatives from various education groups to discuss a district-level API. Superintendent Eastin reminded the Board that several changes are expected in the federal level accountability system. We would want our state accountability system to be similar to the federal system. Also, we should have conversations on this important issue with the Governor and the Legislature to define statutorily a role for the district.

Ms. Tacheny stated that the message we want to send is that if a district has a number of schools that are underperforming, the problem may be with the district and its resource decisions, not with the individual schools.

President Hastings asked when the Board would need to act in order for the Department to be able post this information on its website in October. Mr. Padia replied that the Department would need a decision by September. Ms. Tacheny noted that one policy decision that needs to be addressed is whether to go back to past years and present that data.

Mrs. Joseph stated that the district API would give us a way to hold districts accountable for schools that underperform year after year. It is the district's responsibility to teach all students. Mrs. Ichinaga noted that there are districts that are improving and there should be a way to recognize them.

President Hastings suggested that the inputs for the district-level API be the same as for the school-level API and that the number of schools without an API (and the number of students in those schools) be a factor in the district's API. President Hastings also asked that the Technical

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Design Group look at weighting by the number of pupils in the district. He asked for a recommendation in July. He stated that he also wants to continue to receive input from districts and education organizations. Ms. Reynolds stated that she supports having a district-level API.

Rose Casselman, Association of California School Administrators, stated that her organization has a subcommittee looking at district-level APIs and is supportive of the concept. Dave Patterson, California Network of Educational Charters, stated that charter schools are schools of choice and may serve a very different population, including at-risk students. There are some issues related to charter schools, and his organization would also like to be a part of the conversation.

[Attachment 4, Letter from PSAA Intervention/Sanctions Subcommittee]

President Hastings questioned whether it would work for charter schools to base a system on growth and asked Mr. Patterson to consider that in the conversation about including charters in the district-level API. Mr. Padia noted that schools that serve at-risk students would be in the alternative schools accountability system.

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| ITEM 10 | Adult Testing Irregularities. | INFORMATION |
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Mr. Padia introduced Gerry Hayward, Co-Chair of the Public School Accountability Act (PSAA) Advisory Committee. Mr. Hayward stated that it was a technical goal to have as many children take the test as possible with as few testing irregularities as possible. The Board must consider the message it wants to send to schools about testing irregularities. The PSAA Committee's recommendation to the Board is to keep the policy it currently has.

Mr. Padia noted that the Technical Design Group came up with four possible options. One option is to ignore the testing irregularity and include the student scores in the school's API. The second option is to delete the affected scores. The third and fourth options would be to assign a test score of either zero or some other arbitrary score. Each option creates problems with the API.

Superintendent Eastin stated that she and the Board are concerned about the validity of the API, but the rigidity of the policy is also a concern, especially for inadvertent testing irregularities. She suggested that option one apply in cases in which the problem was self-reported (not found by erasure analysis), inadvertent, and had no material effect on student scores. Ms. Reynolds asked for a definition of inadvertent. Superintendent Eastin gave an example of one class, one teacher, and one question as inadvertent. Ms. Reynolds stated that the other issue is who decides if the irregularity is inadvertent. President Hastings responded that self-reported and immaterial are the key points.

Mr. Abernethy stated that determining if the problem was self-reported is pretty easy and factual. Deciding if it is immaterial is a factual judgment. However, whether something is inadvertent requires a judgment of what was in the mind of another person. Mr. Mockler suggested that the criteria could be self-reported and immaterial and that there is no pattern of testing irregularities.

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Ms. Tacheny asked for comment from Mr. Hayward. Mr. Hayward stated that the PSAA Committee had this same conversation and came to the conclusion that the policy should not be changed.

President Hastings asked that staff develop a policy to bring back to the Board for discussion and action. Mr. Padia asked for a definition of immaterial, which is a policy decision. Ms. Reynolds suggested immaterial be no more than one class. Mr. Hastings suggested a percentage of students, such as less than ten percent of students in the school. Mr. Mockler suggested that both one class and less than ten percent of students could be definitions of immaterial. Mr. Abernethy stated that this conversation is an example of why we should not change the policy.

Mr. Mockler stated that if the Board adopts the policy, the staff would need some assurance that the Board will stand firm on the policy. He noted that testing irregularities are going up, not down.

Five individuals addressed the Board on this issue:
Dr. Karen Harshman, Fontana Unified School District
Micki McCabe, Principal, Oleander Elementary School
Pat Walsh, Desert Sands Unified School District
Sandra Sraberg, Adelanto Unified School District
Julie Burke, Solana Beach Unified School District

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| ITEM 11 | Report of the Curriculum Development and Supplemental Materials Commission, including but not limited to, an update on publisher marketing practices. | INFORMATION ACTION |
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Curriculum Commission Vice-Chair Sue Stickel gave a brief report on the Commission's activities. [Attachment 5] She asked the Board to approve two candidates for the Instructional Materials Advisory Panel, candidates 167 and 211.

- ACTION: Ms. Hammer moved that the State Board approve the Curriculum Commission's recommendation to appoint candidates 167 and 211 to the Instructional Materials Advisory Panel for the 2002 Reading/Language Arts/English Language Development Adoption. Mrs. Joseph seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Mr. Fisher was not present when the vote was taken.

Ms. Stickel noted that the Commission is also requesting that a joint letter from Superintendent Eastin and President Hastings regarding transitioning students to Algebra I be sent to the field. President Hastings stated that the letter is a good intention, but questioned whether a letter would be effective. Ms. Stickel replied that the Curriculum Commission thinks a letter that focuses on just this issue would draw attention to the appropriate sections of the mathematics framework.

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Mrs. Joseph stated that this is an issue that she is hearing about from the field. Some districts are just mandating algebra in 8th grade, even if the students are not ready. Superintendent Eastin stated that she thinks it is a widespread problem.

Mr. Mockler suggested that, given the historic sensitivity of algebra as a gatekeeper, the Superintendent and staff consider doing some research on the issue. President Hastings asked for a report in July on what we think has been communicated to the field and how we can remedy any misinformation.

Sherry Griffith, Curriculum Frameworks and Instructional Resources Division (CFIR), provided an update on the publishers who have violated the regulations on the Content Review Panel report and Instructional Materials Advisory Panel report. William Sadlier, Inc., and Scott Foresman have both violated the regulations. Each publisher is sending a letter to the involved districts and also will address the Board today. [Attachment 6] Mr. Mockler thanked the CFIR staff and acknowledged the amount of time they have spent in dealing with inappropriate marketing practices. Mr. Jenkins asked if there were any economic reparations for violating the regulations. Ms. Griffith replied that the Department has informed the districts of their rights in this area, but no districts that she knows of have asked for any economic reparations or asked to return books they ordered.

Rich Fabrizi of Scott Foresman stated that their letter went out to the districts in June. On behalf of his company, he stated that they will not violate the regulations again and apologized to the Board.

John Sipe of William Sadlier, Inc., stated that they have prepared a letter for the field and informed sales forces of appropriate practices. He apologized to the Board on behalf of his company.

Superintendent Eastin stated that she wants publishers to know that violating the regulations once is bad, but a second time will have serious consequences.

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| ITEM 12 | Dissemination of free curriculum frameworks to all K-12 teachers in fiscal year 2000-2001. | INFORMATION |
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Ms. Griffith reported that there are a total of 285,000 sets of frameworks for reading/language arts and mathematics being delivered to teachers throughout the state. The shipping began May 18 and will end this week. At Los Angeles Unified School District, they were delivered to school sites. Other districts received them at district offices. She reported that the San Diego Unified School District called to tell her that the trucks had arrived and they were pleased to receive the new frameworks from the State.

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| ITEM 13 | Modification of State Board Waiver Policy 99-06, Schiff-Bustamante Standards-Based Instructional Materials Program. | INFORMATION ACTION |
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President Hastings drew the Board's attention to two memos regarding the proposed modifications to the waiver policy. [Attachments 7 and 8]

Superintendent Eastin stated that she opposed the policy in the first place, opposed the first amendment, and opposed the second amendment. If the Board maintains this policy, she encourages them to have the same policy in all subjects.

Mr. Mockler stated that we have different circumstances for different subjects. In math, we had a post-standards adoption in January 2001 and the exception in math was made after the adoption in response to a specific problem. The exception is very specific. For history-social science and science, we have had full post-standards adoptions. For reading, we have not had a full standards-based adoption, so we have a different policy at this time. The Superintendent is correct that we need to move to a policy that is the same for all subjects. This policy just takes care of problems that we face now. The proposed policy helps staff inform districts of how their waiver is likely to fare. He added that any district can seek a waiver regardless of the Board policy. Ms. Hammer noted that she is also concerned about the inconsistency in subject matters, but understands the reasons for that inconsistency at the present time.

One individual addressed the Board on this issue:

Rose Casselman, Association of California School Administrators

- **ACTION:** Mrs. Joseph moved that the State Board approve the modification of the State Board Waiver Policy 99-06, Schiff-Bustamante Standards-Based Instructional Materials Program, as proposed by State Board staff in a memorandum dated June 1, 2001. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

WAIVERS/PETITIONS: (CONSENT, PROPOSED CONSENT, AND NON-CONSENT)

President Hastings announced that a waiver chart was available at the back of the room for the audience and that the waivers will be considered in three groups: consent waivers, proposed consent waivers, and non-consent waivers. [Attachment 8]

WAIVERS: CONSENT WAIVERS (WC-1 – WC-15)

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998

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| ITEM WC-1 | Request by Delhi Unified School District for a waiver of Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (P.L. 105-332). CDSIS-61-3-2001 (Recommended for APPROVAL) | ACTION |
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CHARTER SCHOOL ATTENDANCE

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| ITEM WC-2 | Request by the Victor Valley Union High School District to waive Title 5 CCR Section 11960, related to charter school attendance, for the Excelsior Education Center. CDSIS-11-3-2001 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply | ACTION |
| ITEM WC-3 | Request by Opportunities for Learning Charter Schools—Hacienda La Puente to waive Title 5 CCR Section 11960, related to charter school attendance (new charter authority E.C. 33054). CDSIS-22-4-2001 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply | ACTION |

INDEPENDENT STUDY

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| ITEM WC-4 | Request by the Carlsbad Unified School District for a waiver of Education Code Section 51745.6 requirements for independent study affecting apportionment (Ratio of independent study ADA-to-certificated employees responsible for independent study). CDSIS-54-3-2001 (Recommended for APPROVAL FOR 2000-2001, WITH CONDITIONS) | ACTION |
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MILLER-UNRUH READING SPECIALIST

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| ITEM WC-5 | Request by Fieldbrook Elementary School District to waive Education Code Section 52859(b), using the authority of ECS 52863. This request relates to the prohibition of using funds coordinated under the School-based Coordinated Program (SBCP) to pay for the local share of costs associated with the employment of a Reading Specialist. CDSIS-142-4-2001 (Recommended for APPROVAL) | ACTION |
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NONPUBLIC SCHOOL/AGENCY (Annual Renewal Certification)

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| ITEM WC-6 | Request by Oakland Unified School District to waive Education Code Section 56366.1(h), the requirement for a Non Public Agency Children's Hospital of Oakland (Speech and Language) to apply for annual <u>renewal</u> of their certification between August 1 and October 31 each year. CDSIS-143-4-2001 (Recommended for APPROVAL) | ACTION |
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NONPUBLIC SCHOOL/AGENCY (365 DAY RULE)

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| ITEM WC-7 | Request by Stanislaus County Office of Education SELPA to waive Education Code Section 56366.3(a), commonly known as the “365 day rule” to contract with a non-public agency who has hired Bridget Deneau within 365 days of her former employment with the San Joaquin County Office of Education. CDSIS-14-5-2001 (Recommended for APPROVAL) | ACTION |
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RESOURCE SPECIALIST

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| ITEM WC-8 | Request by Alhambra City School District to waive Education Code Section 56362(c) which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher, Jean Solomon assigned at Fremont Elementary and Andrea Klink assigned at Scanlon Center. CDSIS-24-4-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |
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| ITEM WC-9 | Request by Gold Oak Union School District to waive Education Code Section 56362(c) which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher, Kris Van Winkle assigned at Gold Oak Elementary School. CDSIS-18-4-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |
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| ITEM WC-10 | Request by Rocklin Unified School District to waive Education Code Section 56362(c) which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher, Dee Torrington assigned at Twin Oaks Elementary School. CDSIS-113-3-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |
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| ITEM WC-11 | Request by Orange Center School District to waive Education Code Section 56362(c) which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for each resource teacher. Lee Eldridge is the District’s resource specialist assigned at Orange Center School District CDSIS-86-4-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |
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SCHOOL SITE COUNCIL

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| ITEM WC-12 | Request by Lassen View Union Elementary School District for a <u>renewal</u> to waive Education Code Section 52012, under the authority of ECS 52863 relating to the establishment of a school site council as required for each school participating in the School-based Coordination Act. (Two schools share one council.) CDSIS-122-4-2001 (Recommended for APPROVAL) | ACTION |
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SUMMER SCHOOL STATE MEAL MANDATE (Original requests)

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| ITEM WC-13 | Request by <u>14</u> districts to waive the State Meal Mandate during the Summer School Session. CDSIS # (see list attached to summary) (Recommended for APPROVAL) | ACTION |
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SUMMER SCHOOL STATE MEAL MANDATE (Renewal requests)

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| ITEM WC-14 | Request by <u>80</u> districts to waive the State Meal Mandate during the Summer School Session. CDSIS # (see list attached to summary) (Recommended for APPROVAL) | ACTION |
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SUMMER SCHOOL STATE MEAL MANDATE (Saturday)

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| ITEM WC-15 | Request by Pacific Union Elementary School District to waive the State Meal Mandate during the Saturday school session. CDSIS-76-4-2001 (Recommended for APPROVAL) E.C. 33051(c) will apply | ACTION |
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Judy Pinegar, Waiver Office, reported that there were no changes or corrections to the consent waivers, WC-1 through WC-15.

- ACTION: Ms. Hammer moved that the State Board approve the consent waiver requests, Items WC-1 through WC-15, in accordance with the recommendations of CDE staff. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present.

PROPOSED CONSENT WAIVERS (W-9, W-15 through W-18, W-20, and W-23)

BEGINNING-TEACHER MINIMUM SALARY PROGRAM

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| ITEM W-9 | Request by Konocti Unified School District to waive a portion of Education Code Section 45023.1(a)(2) to allow a teacher to participate in the Beginning-Teacher Minimum Salary Program without a baccalaureate degree. CDSIS-102-3-2001 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply | ACTION |
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INSTRUCTIONAL MINUTES

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| ITEM W-15 | Request by Newman-Crows Landing Unified School District for a <u>PROSPECTIVE</u> waiver of Education Code Section 46201(b)(1) to decrease kindergarten instructional minutes from 240 minutes a day to 200 minutes a day in order to implement a double session kindergarten for the 2001-2002 school year only. CDSIS-13-5-2001 (Recommended for APPROVAL) | ACTION |
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II/USP "SECOND ROUND" May 15, 2001 AND July 15, 2001 deadline

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| ITEM W-16 | Request by Oakland Unified School District in the "second round" of II/USP funding for a waiver delaying the timelines specified in Education Code Section 52054(a) (i) (j), May 15, 2001 Action Plan deadline and the SBE deadline of July 15, 2001, for Castlemont, Fremont, McClymonds and Skyline Schools. CDSIS-96-4-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |
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MATHEMATICS PROFESSIONAL DEVELOPMENT GRANT

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| ITEM W-17 | Request by 25 school districts and county offices of education for a waiver of Education Code Section 44721(a) to allow use of AB 1331 grant funds for per diem and release time for teacher training in mathematics instruction. CDSIS # (See attached list) (Recommended for APPROVAL) | ACTION |
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NONPUBLIC SCHOOL/AGENCY (Out-of-State)

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| ITEM W-18 | Request by New Haven Unified School District to waive Education Code Section 56366.1(a) certification for an uncertified nonpublic school/agency (Lake Grove at Maple Valley) located in Wendell, Massachusetts, to provide services to one special education student <u>Brandon J.</u> CDSIS-20-10-2001 (Recommended for APPROVAL) | ACTION |
| ITEM W-20 | Request by Belmont-Redwood Shores School District to waive Education Code Section 56366.1(a) certification for an uncertified nonpublic school/agency, Carole L. Hong, O.D., to provide Vision Therapy Services to one special education student, Victoria K., for a short period of time. CDSIS-21-2-2001 (Recommended for APPROVAL) | ACTION |

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NONPUBLIC SCHOOL/AGENCY (December 1 notification)

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| ITEM W-23 | Request by Elk Grove Unified School District for a waiver of Education Code Section 56366.1(j)(2), the requirement for a nonpublic school or agency to notify the Department no later than the December 1 prior to the new fiscal year in which the school/agency proposes to initiate/expand services. CDSIS-63-4-2001 (Recommended for APPROVAL) | ACTION |
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Ms. Pinegar noted that Waivers W-19 and W-22 were withdrawn temporarily. She stated that there was a new chart for W-1, which is a waiver on adult testing irregularities for several districts. [Attachment 10] She listed three technical changes. Waiver W-7 should have two reasons listed for denial, 33051(a)(1) and (4). The correct waiver number for W-16 is CDSIS 96-4-2001. On the list of districts in W-17, one waiver number is incorrectly written as 95-4-2001 and should be CDSIS 60-5-2001.

Ms. Hammer asked if the Schiff-Bustamante waivers could be treated as proposed consent waivers so that they could be acted on as a group.

Mr. Jenkins expressed concern about W-15, a request for reduction of kindergarten class time. Mr. Mockler stated that this is a one-year band-aid necessitated by a severe facilities problem.

- ACTION: Ms. Hammer moved that the State Board approve the proposed consent waivers, Items W-9, W-15, W-16, W-17, W-18, W-20, and W-23, in accordance with the recommendations of CDE staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent members, Mr. Abernethy was not present when the vote was taken.

SCHIFF-BUSTAMANTE (EVERYDAY MATHEMATICS)

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| ITEM W-25 | Request by Grass Valley School District to waive Education Code Section 60450(b) and 60451(b) to purchase non-adopted instructional resources (<i>Everyday Mathematics Program for Grades K-6</i>) using Schiff-Bustamante Standards Based Instructional Materials monies. CDSIS-45-2-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |
| ITEM W-26 | Request by Hillsborough City Elementary School District to waive Education Code Section 60450(b) and 60451(b) to purchase non-adopted instructional resources (<i>Everyday Mathematics Program for Grades K-5</i>) using Schiff-Bustamante Standards Based Instructional Materials monies. CDSIS-73-3-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |

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| ITEM W-27 | Request by Pleasant Ridge Union School District to waive Education Code Sections 60450(b) and 60451(b) to purchase non adopted instructional resources (<i>Everyday Mathematics Program for Grades K-5</i>) using Schiff-Bustamante Standards Based Instructional Materials monies. CDSIS-23-4-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |
| ITEM W-28 | Request by East Whittier City School District to waive Education Code Section 60450(b) and 60451(b) to purchase non-adopted instructional resources (<i>Everyday Mathematics Program for Grades K-5</i>) using Schiff-Bustamante Standards Based Instructional Materials monies. CDSIS-90-3-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |
| ITEM W-29 | Request by Glendale Unified School District to waive Education Code Section 60450(b) and 60451(b) to purchase non-adopted instructional resources (<i>Everyday Math Program for Grades K-6</i>) using Schiff-Bustamante Standards Based Instructional Materials monies. CDSIS-51-4-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |

Ms. Pinegar stated that the Schiff-Bustamante waivers W-25 through W-29 involve *Everyday Mathematics*. Ms. Griffith stated that that approval is conditioned on the districts supplementing grade five materials to meet the standards. She asked that the motion call for districts to provide for staff review documentation of the supplemental materials they will use to cover the standards.

Mr. Mockler stated that for Glendale USD, W-29, the Board wants a report on achievement

- ACTION: Ms. Hammer moved that the State Board conditionally approve the waiver requests in Items W-25, W-26, W-27, W-28, and W-29, in accordance with the recommendation of CDE and State Board staff. With respect to each waiver, (1) the applying agency is to report to the CDE on the supplemental materials it will use to ensure complete coverage of the content standards in grade five and (2) the effective date will be June 6, 2001, to June 3, 2003. With respect to the waiver request in Item W-29, the applying agency is to report on student achievement after one year. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Abernethy was not present when the vote was taken.

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| ITEM W-30 | Request by Oakland Unified School District to waive Education Code Section 60450(b) and 60451(b) to purchase non-adopted instructional resources (<i>Open Court, Grades 4-5</i>) using Schiff-Bustamante Standards Based Instructional Materials monies. CDSIS-99-4-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |
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Ms. Pinegar noted that this was the last Schiff-Bustamante waiver on the agenda for this meeting. The Department is recommending approval with the condition that the district report on their achievement.

- ACTION: Mrs. Joseph moved that the State Board conditionally approve the waiver request in Item W-30, in accordance with the recommendations of CDE and State Board staff. The applying agency is to report on student achievement next year, and the waiver is to terminate June 30, 2002. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Abernethy was not present when the vote was taken.

Ms. Pinegar noted that W-21 would be heard next to accommodate staff.

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| ITEM W-21 | Request by Yuba City Unified School District to waive Education Code Section 56366.1(a) certification for an uncertified nonpublic agency, Southside Art Center and Education Code Section 56363 (a)(b)(14) requirement to employ an appropriate designated instruction and services specialist to provide services to one special education student, Hardeep B. CDSIS-49-5-2000 (Recommended for DENIAL) | ACTION |
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Alice Parker, Special Education, thanked the Board for letting her go out of turn and stated that the agency in this waiver request does not employ an individual who meets nonpublic school/agency requirements.

Ms. Reynolds inquired about the consequences of approving the waiver. Ms. Parker stated that there could be a violation of law related to meeting a student's Individualized Education Program. The District could use this agency if it did not use federal funds to pay for the services.

Mr. Mockler noted that the bargaining unit's position is opposition.

- ACTION: Mr. Jenkins moved that the State Board deny the waiver request in Item W-21, in accordance with the recommendation of CDE staff. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

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ACADEMIC PERFORMANCE INDEX –ADULT TESTING IRREGULARITIES

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| ITEM W-1 | <p>Adult Testing Irregularities Placeholder – Academic Performance Index (API) Waiver. Specifically, the attached listed districts request a waiver of a portion of Title 5, CCR, Section 1032 (c) for the listed schools regarding when to be qualified for valid API scores after a cheating incident.</p> <p>At the May SBE meeting, the Board directed that all waivers of this type previously acted upon at earlier Board meetings (San Bernardino CUSD, Hayward UCS and Adelanto USD), and those postponed from May meeting (Desert Sands USD, Glendale USD, Solana Beach USD, and Beverly Hills USD) be returned for possible action in June.</p> <p><i>NOTE: In addition, the next two waiver items also involve this same issue, W-2 Orange USD (a new waiver request) and W-3 Selma USD (withdrawn the by the district in March, rescheduled for June)</i></p> <p>CDSIS: 41-12-2000 San Bernardino CUSD for Lytle Creek School 34-1-2000 Hayward USD for Schafer Park School 8-2-2001 Adelanto USD for Westside Park School 50-3-2001 Desert Sands USD for Palm Desert High School 53-3-2001 Glendale USD for Lincoln Elementary 116-3-2001 Solana Beach USD for Solana Santa Fe School 118-3-2001 Beverly Hills USD for Beverly Vista School</p> | |
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Ms. Pinegar stated that the waivers for the first three schools listed in W-1 have already been acted on by the Board. At the Board's request she brought them back for consideration after the adult testing irregularity policy discussion.

President Hastings noted that the testing irregularities in the first three schools were discovered by erasure analysis. These schools would not fall under the new policy discussed this morning. He asked that the Board confirm the prior decision on these three items.

- **ACTION:** Ms. Hammer moved that the State Board reaffirm its action whereby the waiver requests for the following schools were conditionally approved such that each of the affected schools would not have a valid 2000 API, but would be eligible for a 2001 API and would have a growth target in 2001 of two times the school's 1999-2000 growth target: San Bernardino City Schools, Lytle Creek School; Hayward Unified SD, Schafer Park School; Adelanto Unified SD, Westside Park School. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present, except that Ms. Reynolds did not vote on the motion.

Pat Walsh, Palm Desert High School, stated that the school admitted the testing irregularity. He noted that the tests were marked as non-standard administration. President Hastings stated that the question is whether the testing irregularity is material or not. Mr. Walsh replied that because

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tests were bubbled non-standard, they were not counted in the school's API. Mr. Padia confirmed that the scores were not counted in the API.

Mr. Mockler stated that next year's scores could be higher if these were higher performing students. Ms. Tacheny stated that there is a fundamental difference between inadvertently answering a student's question wrong and keeping a copy of the test. In this case, there was potential for security problems.

Superintendent Eastin asked for counsel's opinion. General Counsel Linda Cabatic stated that the statute prohibits test preparation and maintaining a copy of the exam. These two sections of the regulations are not waivable.

Mr. Walsh stated that the district is seeking the "one year" waiver based on current policy.

- ACTION: Ms. Tacheny moved that the State Board conditionally approve the waiver request for the following school such that it would not have a valid 2000 API, but would be eligible for a 2001 API and would have a growth target in 2001 of two times the school's 1999-2000 growth target: Desert Sands Unified SD, Palm Desert High School. Ms. Hammer seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Abernethy did not vote on the motion.

Ms. Pinegar reported that the testing irregularity at Lincoln Elementary School was found by erasure analysis. Barbara Mikolasko, Principal of Lincoln Elementary School, stated that the district is asking for the "one year" waiver policy. She added that the school responded to the erasure analysis findings by putting the teacher on administrative leave.

- ACTION: Ms. Hammer moved that the State Board conditionally approve the waiver request for the following school such that it would not have a valid 2000 API, but would be eligible for a 2001 API and would have a growth target in 2001 of two times the school's 1999-2000 growth target: Glendale Unified SD, Lincoln Elementary School. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Abernethy did not vote on the motion.

Ms. Pinegar stated that the Board is familiar with the waiver from Solana Santa Fe School. The waiver involved a problem with the ruler provided in the testing materials. Julie Burke, Solana Santa Fe School Principal, spoke in support of the waiver.

- ACTION: Mrs. Ichinaga moved that the State Board approve the waiver request for the following school such that it would have a valid 2000 API: Solana Beach Unified SD, Solana Santa Fe School. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Abernethy did not vote on the motion.

Ms. Pinegar stated that the last waiver in this group is the Beverly Vista School waiver. Diane Dawson, Assistant Superintendent, Beverly Hills Unified School District, stated that the school

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self-reported the problem, responded promptly, and marked the tests as non-standard administration so they were not included in the API. Irene Stern, Principal, Beverly Vista School, expressed concern about the affect of the lack of an API on grant programs. President Hastings stated that the decision hangs on the notion of materiality.

- ACTION: Ms. Hammer moved that the State Board approve the waiver request for the following school such that it would have a valid 2000 API: Beverly Hills Unified SD, Beverly Vista School. Ms. Reynolds seconded the motion. The motion was approved by a vote of 7-1-1. Mr. Abernethy voted against the motion. Mr. Jenkins did not vote on the motion.

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| ITEM W-2 | Orange Unified School District (OUSD) Academic Performance Index (API) Waiver. Specifically, the OUSD requests a waiver for <u>Cerro Villa Middle School</u> of a portion of Title 5, CCR, Section 1032(c) which would in effect allow Cerror Villa Middle School to be excluded from the API for the current year (2000), due to the limited nature of the <u>"adult testing irregularities"</u> in the 2000 STAR test. CDSIS-78-4-2001 (Recommended for APPROVAL WITH CONDITIONS) | ACTION |
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Ms. Pinegar introduced Pat Chladek, Awards Unit. Mr. Chladek stated that this waiver involves 100 students (9.5 percent of students tested). He added that this testing irregularity does not involve erasures.

Phil Morris, Director of Assessment, Orange USD, stated that the students' tests were coded as non-standard. The testing irregularity involved one teacher and was reported by a student.

- ACTION: In accordance with the recommendation of CDE staff, Ms. Hammer moved that the State Board conditionally approve the waiver request in Item W-2 such that the affected school would not have a valid 2000 API, but would be eligible for a 2001 API and would have a growth target in 2001 of two times the school's 1999-2000 growth target: Orange Unified SD, Cerro Villa Middle School. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Abernethy did not vote on the motion.

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| ITEM W-3 | Selma Unified School District (SUSD)- Academic Performance Index (API) Waiver. Specifically, the SUSD requests a waiver for Roosevelt Elementary School of Title 5, CCR, Section 1032(d)(1) and (5) to allow the school to be included in the API for the current year (2000). The district disagrees with the CDE's premise that there were "adult testing irregularities" at Roosevelt School. CDSIS-33-1-2001 (Recommended for DENIAL) per E.C. 33051(a)(1) | ACTION |
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Ms. Pinegar noted that the Selma Unified School District waiver was before the Board in March. The district is still asking for a current year API. Mr. Chladek stated that documents from the district indicate that adult testing irregularities did occur. He added that this waiver was different than other erasure analysis waivers in that the district challenged the findings.

Steven Bojorquez, Selma USD Superintendent, spoke on behalf of the school and reiterated that the district does not believe there was a testing irregularity.

President Hastings asked Mr. Padia to review information on erasure analysis for the Board. Mr. Padia stated that the Department had identified 50 or so schools with many more erasures than other schools. These 50 schools were selected from a list of schools in the top two percent of erasures. Erasures had to occur in at least four content areas. In the Selma case, the probability is 500 million to 1 that there would be as many erasures and that many changes going from wrong to right. He added that he does not know if the probability of 500 million to 1 is grade specific.

Ms. Tacheny noted that the underlying issue is a technical one, a matter of whether the testing irregularity affects the API. Ms. Reynolds stated that after listening to the district, she wonders if this is a case of statistical anomaly. Ms. Hammer stated that the Board must hang tough on issues like this, though they are very difficult decisions.

Ms. Pinegar stated that the Department would be agreeable to recommending that the district be excluded from the API for the current year, but would be eligible for a 2001 API and would have a growth target in 2001 of two times the school's 1999-2000 growth target.

- ACTION: In accordance with the recommendation of CDE staff, Ms. Hammer moved that the State Board conditionally approve the waiver request in Item W-3 for the affected school such that it would not have a valid 2000 API, but would be eligible for a 2001 API and would have a growth target in 2001 of two times the school's 1999-2000 growth target: Selma Unified SD, Roosevelt Elementary School. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Abernethy did not vote on the motion.

Mr. Jenkins asked that in the future, the staff review of adult testing irregularity waivers include the number of students involved, the number of test takers, and the number of students eligible to take the test.

ACADEMIC PERFORMANCE INDEX—(More Than 15% Parent Opt-Out)

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| ITEM W-5 | Mt. Diablo Unified School District (MDUSD) Academic Performance Index (API) Waiver. Specifically, the MDUSD requests a waiver of Title 5 CCR Section 1032(d)(4), which would in effect allow one school, Northgate High School (21.1%) with more than 15% "parent opt-out" requests to receive a valid 2000 API and qualify for awards. CDSIS-10-5-2001 (Recommended for APPROVAL) | ACTION |
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Ms. Pinegar suggested that the Board act on the parental opt-out waivers, W-4 through W-6, in two groups. One waiver is recommended for approval and two are recommended for denial. Ms. Pinegar informed the Board that there were no speakers on these three waivers.

- **ACTION:** Ms. Hammer moved that the State Board approve the waiver request in Item W-5, in accordance with the recommendation of CDE staff. Ms. Tacheney seconded the motion. The motion was approved by unanimous vote of the members present.

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| ITEM W-4 | Santa Monica-Malibu Unified School District Academic Performance Index (API) Waiver. Specifically the Santa Monica-Malibu USD requests that Title 5 CCR Section 1032(d)(4) which would in effect allow one school Edison Language Academy Charter School (26.2%) with more than 15% "parent opt-out" requests to receive a valid 2000 API and awards. CDSIS-26-4-2001 (Recommended for DENIAL) per E.C. 33051(a)(1) | ACTION |
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| ITEM W-6 | Orange County Office of Education (OCOE) Academic Performance Index (API) Waiver. Specifically, the OCOE requests a waiver of Title 5 CCR Section 1032(d)(4), which would in effect allow one charter school, Orange County Charter School (29.7%) with more than 15% "parent opt-out" requests to receive a valid 2000 API and qualify for awards. CDSIS-78-4-2001 (Recommended for DENIAL) per E.C. 33051(a)(1) | ACTION |
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- **ACTION:** Ms. Reynolds moved that the State Board deny the waiver requests in Items W-4 and W-6, citing, in each case, the justification set forth in Education Code Section 33051(a)(1), in accordance with the recommendations of CDE staff. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present.

ACADEMIC PERFORMANCE INDEX—CERTIFICATED STAFF PERFORMANCE
INCENTIVE AWARDS

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| ITEM W-7 | Milpitas Unified School District (MUSD) Academic Performance Index (API) waiver. Specifically, MUSD requests a waiver of Title 5 CCR Section 1034(c) "... each school must show improvement between the 1998 and 1999...." which would in effect allow one school, Randall Elementary School to qualify for the 2000 Governor's Performance Award Program (Certificated Staff Performance Incentive Award). CDSIS-59-4-2001 (Recommended for DENIAL) per E.C. 33051(a)(1) and 33051(a)(4) | ACTION |
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Ms. Pinegar noted that there were no speakers on this waiver. The Department recommendation is to deny the waiver.

- ACTION: Mr. Abernethy moved that the State Board deny the waiver request in Item W-7, citing the justifications set forth in Education Code Section 33051(a)(1) and (4), in accordance with the recommendation of CDE staff. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present.

ADULT BLOCK ENTITLEMENT

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| ITEM W-8 | Request by Los Angeles Unified School District to waive Education Code Section 52522(b) to increase their Adult Education block entitlement of 5 percent to 10 percent for implementation of approved programs (Distance Learning Program). CDSIS-70-3-2001 (Recommended for DENIAL) per E.C. 33051(a)(1) | ACTION |
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In the absence of President Hastings, Vice President Hammer presided over the remainder of the day's session.

Ms. Pinegar noted that this was the first waiver of this type and asked Deirdre Ransome, Educational Options, to provide background information on the issue. Ms. Ransome noted that the Los Angeles Unified School District distance learning program relies heavily on audio and video material, which is checked out by students. She added that the Department is looking at a statewide evaluation system for such programs.

Dr. Santiago Jackson, Los Angeles Unified School District, spoke in support of the district's request. Mr. Mockler stated that there were two issues brought up by the Department. One is that the district wants to go from 5 percent to 10 percent. The other is accountability. He asked whether the district would consider a lower percent and provide documentation that this group of adult education students perform at the same level as other students. Dr. Jackson replied that the district would accept a lower percentage and agreed to provide the requested information and do an evaluation.

- ACTION: Mr. Jenkins moved that the State Board conditionally approve the waiver request in Item W-8. The district is not to claim no more than 7 percent of its block entitlement for distance learning students. The waiver is to be limited to one day less than two years. The district is to submit a report comparing the achievement of students in distance learning with students in traditional classes. Ms. Tacheney seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Hastings was not present when the vote was taken.

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CHARTER SCHOOL (INDEPENDENT STUDY)

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| ITEM W-10 | Request by the Mount Shasta Union School District for the Challenge Home School Charter to waive Title 5 CCR section 11704, related to charter school independent study average daily attendance-to-teacher ratios. CDSIS-68-3-2001 (Recommended for APPROVAL WITH CONDITIONS) E.C. 33051(c) will apply | ACTION |
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Ms. Pinegar noted that waivers W-10 through W-14 are all similar issues and introduced Gaye Smoot, District Reorganization and Charter Schools Unit, to present the waivers. Ms. Smoot stated that the charter school wants an average daily attendance (ADA) to teacher ratio of 25 to one and that the Department recommends approval with conditions because of an aberration in the calculation method as it applies to this school.

Mr. Mockler expressed concern that 25 to one is a higher ratio than the state average in high schools, which is less than 20 to one. The law is that ratios in independent study programs must not be greater than in non-independent study programs. Dave Patterson noted that the ratio varies up and down the state. He added that the Board should look at the individual circumstances of each school.

Mr. Mockler noted that this school has an ADA of 17 students and 0.8 full-time equivalent teachers.

- ACTION: Mr. Fisher moved that the State Board conditionally approve the waiver request in Item W-10, in accordance with the recommendation of CDE staff. The school shall apply the ratio of the charter authorizing district but in no case exceed an ADA to FTE ratio of 25 to one in its independent study program and is otherwise to comply with all independent study statutes. Ms. Reynolds seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Hastings was not present when the vote was taken.

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| ITEM W-11 | Request by the Plumas Unified School District for the Plumas School Charter to waive Title 5 CCR Section 11704, related to charter school independent study average daily attendance-to-teacher ratios. CDSIS-77-3-2001 (Recommended for DENIAL) Per E.C. 33051(a)(1) | ACTION |
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| ITEM W-12 | Request by the Shasta Union High School District for the Shasta Secondary Home School to waive Title 5 CCR Section 11704, related to charter school independent study average daily attendance-to-teacher ratios. CDSIS-69-3-2001 (Recommended for DENIAL) Per E.C. 33051(a)(1) | ACTION |
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| ITEM W-13 | Request by the Victor Valley Union High School District for the Excelsior Education Center to waive Title 5 CCR Section 11704, related to charter school independent study average daily attendance-to-teacher ratios. CDSIS-10-3-2001 (Recommended for DENIAL) Per E.C. 33051(a)(1) | ACTION |
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Ms. Fausset asked if there was commonality in the three waivers, W-11 through W-13. Ms. Smoot stated that there is no aberration in the calculations for these schools as there was in W-10.

Mr. Patterson noted that these three schools are at risk and the denial of these waivers would cause serious financial problems. Lynn Peebles, School Coordinator, Shasta Secondary Home School, stated that their students' performance on the SAT-9 is the best in the county. Ms. Smoot stated that the Department believes the educational needs of the students would be better met by more contact with the teacher. Mr. Mockler noted that the Legislature has heavily regulated independent study.

- ACTION: Ms. Reynolds moved that the State Board deny the waiver requests in Items W-11, W-12, and W-13, citing, in each case, the justification set forth in Education Code Section 33051(a)(1), in accordance with the recommendation of CDE staff. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Hastings was not present when the vote was taken.

ELEMENTARY INTENSIVE READING PROGRAM

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| ITEM W-14 | Request by the Fontana Unified School District to waive Education Code Section 53029(b) to provide Intensive Reading Program serviced by a certificated teacher in a small group, outside of the regular classroom for two reading programs. CDSIS-94-3-2001 (Recommended for DENIAL) per E.C. 33051(a)(1) and (6) | ACTION |
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Ms. Pinegar noted that the Department recommendation is to deny this waiver.

- ACTION: Mr. Abernethy moved that the State Board deny the waiver request in Item W-14, citing the justifications set forth in Education Code Section 33051(a)(1) and (6), in accordance with the recommendation of CDE staff. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Hastings was not present when the vote was taken.

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NONPUBLIC SCHOOL/AGENCY (Certification)

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| ITEM W-19 | Request by Alameda Unified School District to waive Education Code Section 56366.1(a) certification for an uncertified nonpublic school, Contra Costa Alternative School and Education Code Section 56366.1(L)(1) requirement to employ a special education credentialed teacher to provide services to one special education student, Stephen P. CDSIS-20-11-2000 (Recommended for DENIAL) | ACTION |
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This waiver was temporarily withdrawn.

NONPUBLIC SCHOOL/AGENCY (Annual renewal certification)

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| ITEM W-22 | Request by the Irvine Unified School District to waive Education Code Section 56366.1(h), the requirement Autism Comprehensive Educational Services (ACES), a nonpublic agency, to apply for annual renewal of their certification between August 1 and October 31 each year. (Seven months late) CDSIS-81-5-2001 (Recommended for DENIAL) | ACTION |
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This waiver was temporarily withdrawn.

REGIONAL OCCUPATIONAL PROGRAM

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| ITEM W-24 | Request by Sacramento County Office of Education to waive Education Code Section 52314.6 regarding the 3% limit enrollment of students under the age of 16, in the Regional Occupational Program (ROP). CDSIS-49-3-2001 (Recommended for DENIAL) | ACTION |
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Ms. Pinegar noted that there were special circumstances with this waiver. There is an ongoing audit, and one area being audited is ROP for students under the age of 16.

- ACTION: Mrs. Ichinaga moved that the State Board deny the waiver request in Item W-24, citing the justification set forth in Education Code section 33051(a)(1), in accordance with the recommendation of CDE staff. Mr. Jenkins seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Hastings was not present when the vote was taken.

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STAFF DEVELOPMENT BUY BACK DAYS

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| ITEM W-31 | Request by Alta Loma School District to allow one staff development day as authorized specifically by EC 44579.1 “buy back days” for certificated and classified instructional aides and teaching assistants to provide disaster preparedness training and CPR. CDSIS-2-3-2001 (Recommended for DENIAL) per. E.C. 33051(a)(1) | ACTION |
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Ms. Pinegar stated that there are other, more appropriate funding sources for this type of training.

- **ACTION:** Mr. Jenkins moved that the State Board deny with the waiver request in Item W-31, citing the justification set forth in Education Code Section 33051(a)(1), in accordance with the recommendation of CDE staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present, except that Mr. Hastings was not present when the vote was taken.

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| ITEM 14 | Request by the Blue Oak Charter School Petitioners to Approve a Petition to Become a Charter School Under the Oversight of the State Board of Education. | PUBLIC HEARING INFORMATION ACTION |
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This item was withdrawn at the request of the petitioners.

Adjournment: 5:22 p.m. Before adjourning the session for the day, Vice President Hammer stated that the Board would meet in closed session at 8:00 a.m. on Thursday and that the public session will begin at approximately 9:30 a.m.